

Cont 30. (New) The expression-varying device of claim 23, wherein said drive is configured so that said movement of said eyeball bodies in said first direction occurs substantially simultaneously with said movement of said eyeball bodies in said second direction.

A7 31. (New) The expression-varying device of claim 23, wherein said drive includes a shaft and a disk mounted on said shaft, said disk including a center and a groove extending about said center, the distance between said groove and said center varying along said groove, and said groove varying in depth along said groove.

32. (New) The expression-varying device of claim 23, further comprising:
a detection device which detects the rotational position of said disk.

33. (New) The method of claim 14, wherein said moving said first facial element in a first direction occurring substantially simultaneously with said moving said first facial element in a second direction.

34. (New) The method of claim 14, wherein said first facial element and said second facial element are different types of facial elements.

REMARKS

By the foregoing Amendments, claims 1, 7-9, 14, 17 and 23 are amended, claims 4, 11 and 12 are canceled, and new claims 26-34 are added. Claims 1-3, 5-10 and 13-34 are pending in this application.

The changes to claims 1, 7-9, 14, 17 and 23 and the addition of new claims 26-34 are believed not to introduce new matter, and their entry is respectfully requested. A marked-up version of the amended claims illustrating the above amendments is submitted herewith. Based on the above amendments and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections, and that they be withdrawn.

The Applicants appreciate the courtesies extended to Applicants' representative by Patent Examiner Cegielnik and Supervisory Patent Examiner Banks during the telephone interview on November 12, 2002.

Claim Rejections under 35 U.S.C. §112, 2nd paragraph

In the Office Action, claims 1-22 were rejected under 35 U.S.C. §112, 2nd paragraph as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding the rejections of claims 1 and 17, Applicants respectfully note that disk 14 is mounted on a shaft that rotates and is part of the drive as illustrated in Fig. 2. Applicants have added reference numeral 12a to Fig. 2 to designate the shaft on which the disk 14 is mounted, as shown in the drawings as originally filed. This drawing change is indicated in red on the copy of Fig. 2 attached to the Request for Approval of Drawing Change submitted herewith.

Applicants have also added corresponding description in the specification regarding reference numeral 12a. The amendments to the specification are illustrated in the enclosed Appendix Showing Changes to the Specification. Applicants have also amended claims 1, 7-9 and 17 to replace the recitation of "drive shaft" with "shaft." These amendments to the drawings, the specification and the claims do not constitute new matter since they merely conform the specification to that which was already disclosed in the original drawings and specification. Applicants respectfully submit that the rejections of claims 1 and 17 under 35 U.S.C. §112, 2nd paragraph have been properly traversed and overcome and respectfully request that the rejections be withdrawn.

Regarding the rejection of claim 14, the Office Action alleged that the recitation "moving a first facial element in two substantially perpendicular directions" was not clear "at what point or from what element relative to the first facial element constitutes two perpendicular directions." As discussed in the interview, Applicants have amended that recitation in claim 14 to recite "moving a first facial element in a first direction; and moving the first facial element in a second direction substantially perpendicular to said first direction." Applicants respectfully submit that the rejection of claim 14 under 35 U.S.C. §112, 2nd paragraph has been properly traversed and overcome and respectfully request that the rejection be withdrawn.

Claim Rejections under 35 U.S.C. §102(b)

In the Office Action, claims 1-8 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,900,281 to May et al. (*May*). Subsequent to the issuance of the Office Action, Applicants' representative confirmed with the Examiner that only claims 1-3 and 5 were rejected as being anticipated by *May* and that claims 4 and 6-8 were indicated as allowable.

As discussed during the interview, Applicants respectfully *May* fails to teach or suggest the invention as recited in claim 1 as amended. The Office Action indicates that *May* "imparts movement in two substantially perpendicular directions to the first facial elements as recited in claim 1." Applicants respectfully disagree with such an interpretation of *May*. *May* discloses a doll with moving eyeballs 51, eyelids 75 and jaw. As illustrated in Fig. 3 of *May*, the drive means 11 causes the eyeballs to pivot side-to-side about vertical axes, the eyelids 75 to pivot up and down about horizontal axes, and the jaw to move up and down. As discussed during the interview, each of the eyeballs, eyelids and the jaw of *May* is moved back and forth along a single direction and not "in a first direction and in a second direction substantially perpendicular to said first direction" as recited in claim 1 as amended.

Accordingly, Applicants respectfully submit that the rejection of claim 1 as being anticipated by *May* has been properly traversed and overcome and request that the rejection of claim 1 be withdrawn.

Applicants respectfully submit that dependent claims 2, 3 and 5 are patentable over the prior art of record for their dependency from independent claim 1 and for the features that they recite.

In the Office Action, claims 14-25 were rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent No. JP402065887 (*JP '887*).

Regarding independent claim 14, Applicants respectfully submit that *JP '887* fails to teach or suggest the invention as recited in claim 14 as amended. *JP '887* discloses a toy that can generate multiple expressions by moving an eye section, a mouth section and an eyebrow section that are arranged at a head section of the toy. Each of these facial sections of the toy of *JP '887* is moved back and forth along a single direction. For example, the eye sections 61 are

moved horizontally, the jaw member 63 is moved vertically, and the eyebrow section 62 is moved vertically.

As discussed during the interview, *JP* '887 fails to teach or suggest the steps of "moving a first facial element in a first direction; moving said first facial element in a second direction, the second direction being substantially perpendicular to the first direction, said moving said first facial element in a first direction occurring substantially simultaneously with said moving said first facial element in a second direction." *JP* '887 discloses a structure that moves each of the eye sections 61, the jaw member 63 and the eyebrow section 62 in a reciprocating motion. *JP* '887 does not appear to teach or suggest any motivation to modify the structure that moves the facial sections so that additional or alternative motions are imparted to the facial sections. It is likely that any modifications to that structure so that motion can be imparted to a facial section in a first direction and in a second direction substantially perpendicular to the first direction would render the structure inoperable in the limited space in the head section of the toy.

Applicants respectfully submit that dependent claims 15-22 are patentable over the prior art of record for their dependency from independent claim 14 and for the features that they recite.

Regarding independent claim 23, Applicants respectfully submit that *JP* '887 fails to teach or suggest the invention as recited in claim 23 as amended. In particular, Applicants respectfully submit that *JP* '887 fails to teach or suggest at least "a connecting member connecting said two eyeball bodies, said connecting member connecting said eyeball bodies so that said eyeball bodies can pivot simultaneously." Referring to Fig. 6 of *JP* '887, each eyeball 61 is mounted on a member 78 to which motion is imparted by the rotation of rod 72 and the engagement of the U-shaped member on rod 72 with a slot on member 78. There is no structure corresponding to the above-identified recitation of claim 23. Accordingly, Applicants respectfully submit that the rejection of claim 23 in view of *JP* '887 has been properly traversed and overcome and request that the rejection be withdrawn.

Applicants respectfully submit that dependent claims 24 and 25 are patentable over the prior art of record for their dependency from independent claim 23 and for the features that they recite.

Allowable Subject Matter

Applicants appreciate the indication of allowable subject matter in claims 4 and 6-13.

New Claims 26-34

Applicants have added new independent claims 26 and 27 that correspond to originally filed claims 4 and 11, respectively, in independent form, which were indicated as allowable in the Office Action. Applicants have added dependent claim 28 that corresponds to originally filed claim 12, which was indicated as allowable in the Office Action.

Applicants have added new dependent claims 29-34. Applicants respectfully submit that dependent claims 29-34 are patentable over the prior art for their respective dependencies from independent claims 1, 14 or 23, and for the additional features that they recite.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently the outstanding rejections, that they be withdrawn, and that pending claims 1-3, 5-10 and 13-34 be allowed. The Examiner is invited to telephone the undersigned representative if any further action is required to place this application in condition for allowance.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

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Enclosures: Appendix Showing Amendments to the Specification
Appendix Showing Amendments to Claims

Appendix Showing Amendments to the Specification

Please replace the fifth paragraph on page 5 with the following paragraph:

The swinging mechanism B includes a motor 5, a disk 14 and an arm member 16. A pinion gear 12 is installed on the rotating or drive shaft 11 of the motor 5, which is fastened to a frame 10. The pinion gear 12 engages with a flat gear 13 that is mounted on shaft 12a as illustrated in Figure 2. The disk 14 is formed coaxially with the flat gear 13 as an integral unit with the flat gear 13. A single recessed groove 15 is formed in the inside surface of the disk 14. Groove 15 runs in the circumferential direction.

Appendix Showing Amendments to Claims

1. (Amended) An expression-varying device for a toy comprising:
a first facial element; and
a drive coupled to said facial element, said drive including a ~~drive~~-shaft, a disk mounted on said ~~drive~~-shaft, and an arm member engaged with said disk and coupled to said facial element, rotation of said ~~drive~~-shaft rotating said disk, which in turn moves said arm member, which imparts movement in a first direction and in a second direction ~~two-substantially perpendicular to said first direction directions~~ to said first facial element.

7. (Amended) The expression-varying device of claim 1, further comprising:
a frame;
a plate coupled to said frame;
a first coupling shaft pivotally mounted with respect to said plate, said first coupling shaft including a tip end and a rear end;
a second facial element coupled to said tip end of said first coupling shaft; and
a first crank coupled to said rear end of said first coupling shaft, said first crank engaging said drive, wherein upon rotation of said ~~drive~~-shaft, said first crank moves and said first coupling shaft pivots, thereby imparting movement to said second facial element.

8. (Amended) The expression-varying device of claim 7, wherein said drive includes a first cam mounted on said ~~drive~~-shaft, said first cam having a wave-form surface with projections and indentations formed on a circumferential edge of said first cam, said first crank having a first engaging shaft formed thereon, and said first engaging shaft engages said wave-form surface as said first cam rotates.

9. (Amended) The expression-varying device of claim 8, further comprising:
a second coupling shaft pivotally mounted with respect to said plate, said second coupling shaft including a tip end and a rear end;

a third facial element coupled to said tip end of said second coupling shaft; and
a second crank coupled to said rear end of said second coupling shaft, said second crank engaging a second cam mounted on said ~~drive~~ shaft, wherein upon rotation of said ~~drive~~ shaft, said second crank moves and said second coupling shaft pivots, thereby imparting movement to said third facial element.

14. (Amended) A method of producing multiple expressions in a toy comprising:

moving a first facial element in a first direction;

moving said first facial element in a second direction, the second direction being
~~two~~ substantially perpendicular to the first direction~~directions~~; and

moving a second facial element substantially simultaneously with said moving said first facial element in a second direction.

17. (Amended) The method of claim 16, wherein said moving a first facial element includes moving said first facial element with a drive including a ~~drive~~ shaft and a disk mounted to said ~~drive~~ shaft, and said moving said first facial element to a first position and said moving said second facial element to a second position include rotating said disk to a first rotational position.

23. (Amended) An expression-varying device for a toy comprising:

- a supporting member pivotally supporting two eyeball bodies for rotation about two substantially perpendicular axes;
- a connecting member connecting said two eyeball bodies, said connecting member connecting said eyeball bodies so that said eyeball bodies can pivot simultaneously; and
- a drive connected to said connecting member and adapted to cause said two eyeball bodies to move in a first direction and in a second direction ~~two~~-substantially perpendicular to said first direction ~~directions~~ to produce various facial expressions for the toy.